

**Brown, Ken**

EPA Region 5 Records Ctr.



313831

**From:** Brown, Ken  
**Sent:** Friday, June 06, 2008 12:26 PM  
**To:** 'randall.griffin@dplinc.com'  
**Subject:** South Dayton Dump - Access Agreement  
**Attachments:** access agreement dpl 5-1-08.doc; 038443Cibu-26 Groundwater R2.pdf

Randall,

Thank you for your response to the proposed access agreement. Sorry for the delayed response but I have been in a period of extensive travel. An electronic version of the access agreement is attached. We certainly expected that DP&L as with every party we have approached for access would require some changes in the agreement. In response to your opening point, the grant of access is limited to the Premises (Lot 2941) which is a rather small parcel at the 1900 Dryden Road location. Response to the itemized points that you raised in your response letter as follows:

1. The contaminants that we propose to analyze for are described on pages 8 and 9 of the attached letter work plan.
2. The primary objective of the Vertical Aquifer Sampling (VAS) is to obtain discrete samples of isolated zones within the aquifer system. The objectives of the letter work plan activities are described on the 1<sup>st</sup> and 2<sup>nd</sup> pages of the attached letter work plan. Specific boring and sampling procedures are described on pages 2 through 9 of the letter work plan.
3. We can certainly limit "site inspections" to a single pre-drilling subcontractor inspection to prepare for drilling (e.g. determine access constraints, etc.).
4. Groundwater flow direction at the South Dayton Dump (Site) is highly variable. The highest concentration of chlorinated solvents in groundwater occurs at MW-210 which is located near sampling point 21 on Figure 1. The performing PRPs need to understand if this concentration is within a contaminant plume that originates on the Site or represents the edge of a contaminant plume that originates on another property. Wherever the plume originates, we need to understand the extent of groundwater contamination.
5. A sampling location between points 15 and 21 would not determine if the MW-210 contamination originates from off-site.
6. The sampling data provided to Ohio EPA are not of the VAS variety (multiple depths within the aquifer system) and the proposed drilling will provide soil stratigraphy as described on page 2 of the attached letter work plan.
7. It is the general location of Lot 2941 with respect to the Site that drove our selection of the sampling point. A specific location is not important. We want a location east and north of point 21 to help us better the extent of the contamination.
8. Due to delays with EPA approvals, the proposed drilling would probably not occur until late this summer. We can certainly include a specific termination date for the access agreement once we have a better idea of when the drilling would occur.
9. We have no objections to DP&L splitting any and all samples.
10. Since the Site is being addressed per Superfund, we limit our response to the relevant sections of CERCLA, namely Section 104(e)(4), (5) and (6). A link to a model administrative order directing compliance with request for access is found below. Such orders are not common since the parties generally work out a mutually acceptable access agreement.  
<http://www.epa.gov/compliance/resources/policies/cleanup/superfund/mod-access-104e-mem.pdf>

The proposed drilling work is not imminent but please review the above and get back to me about the access agreement in the next few weeks. Feel free to edit the attached version of the access agreement and provide a redline version with your proposed changes.

Thanks,

Ken

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